

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS  
WEDNESDAY, AUGUST 5, 2009**

**MINUTE ORDER NO. 6**

**SUBJECT: AN URGENCY ORDINANCE ENACTING A MORATORIUM ON  
THE ESTABLISHMENT OF MARIJUANA DISPENSARIES  
(DISTRICTS: ALL)**

**OVERVIEW:**

On June 23, 2009 (20), the Board of Supervisors directed the Chief Administrative Officer to amend the Zoning Ordinance to prohibit illegal marijuana dispensaries from operating within the unincorporated area of the county. In response, staff is developing an ordinance which will prohibit marijuana dispensaries which do not qualify under provisions of State law permitting use of marijuana for *medical* purposes. This letter proposes development of regulations of those *medical* marijuana dispensaries not covered by the Board's June 23, 2009 referral.

This letter also proposes that the Board adopt an interim urgency moratorium on the establishment of marijuana dispensaries while the new regulations are developed. Existing County codes, including the Zoning Ordinance, do not specifically address or regulate the establishment, location or operation of marijuana dispensaries. The establishment of marijuana dispensaries before appropriate procedures and regulation are enacted has the potential to cause adverse impacts to surrounding development and risks to public health, safety and welfare of the County's residents and the general public. The interim urgency ordinance would allow County staff the time needed to study how marijuana dispensaries should be permitted and determine the appropriate regulations for such uses before they are presented to your Board for consideration.

**FISCAL IMPACT:**

N/A

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Direct the Chief Administrative Officer to develop appropriate zoning and licensing regulations governing marijuana dispensaries which qualify under provisions of State law permitting use of marijuana for medical purposes, to assure that they fully comply with the requirements and intent of State law and minimize impacts to communities.

2. Adopt the attached Form of Ordinance (Attachment A):

AN ORDINANCE ENACTING A MORATORIUM ON THE ESTABLISHMENT OF MARIJUANA DISPENSARIES, AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY  
**(4 VOTES)**

**ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Horn, the Board took action as recommended, adopting Ordinance No. 10000 (N.S.) entitled: AN ORDINANCE ENACTING A MORATORIUM ON THE ESTABLISHMENT OF MARIJUANA DISPENSARIES, AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY.

AYES: Cox, Jacob, Slater-Price, Roberts, Horn

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State of California)

County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA

Clerk of the Board of Supervisors



By \_\_\_\_\_  
Marvice E. Mazyck, Deputy